

ORIGINAL

xianyao.exh

LEONARDO M. RAPADAS
United States Attorney
KARON V. JOHNSON
Assistant U.S. Attorney
Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
Hagatna, Guam 96910
TEL: (671) 472-7332
FAX: (671) 472-7334

Attorneys for the United States of America

FILED
DISTRICT COURT OF GUAM
JUN 15 2007
MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
XIAN LONG YAO,)
)
Defendant.)

CRIMINAL CASE NO. 07-00043


**UNITED STATES'
EXHIBIT LIST**

COMES NOW the United States and hereby files with the Court the following proposed
exhibits to be introduced in its case-in-chief:

Respectfully submitted this 15th day of June 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:


KARON V. JOHNSON
Assistant U.S. Attorney

UNITED STATES' EXHIBIT LIST

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>Date Identified</u> | <u>Date Admitted</u> |
|-------------------|--|-----------------------------------|---------------------------------|
| 1) | Notice to Alien Ordered Removed/Departure Verification | _____ | _____ |
| 2) | Fingerprint card taken June 14, 2007 | _____ | _____ |
| 3) | Report of fingerprint comparison by Julie Paulino | _____ | _____ |
| 4) | Certificate of Nonexistence of Records by Walter Haith | _____ | _____ |

File No: A75 252 190

Date: 22 July 2002

YAO,

XIAN LONG

Alien's full name:

You have been found to be inadmissible to the United States under the provisions of section 212(a) of the Immigration and Nationality Act (Act) or deportable under the provisions of section 237 of the Act as a Visa Waiver Pilot Program violator. In accordance with the provisions of section 212(a)(9) of the Act, you are prohibited from entering, attempting to enter, or being in the United States:

- ☒ for a period of 5 years from the date of your departure from the United States as a consequence of your having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) or 240 of the Act.
- ☐ for a period of 10 years from the date of your departure from the United States as a consequence of your having been ordered removed in proceedings under any section of the Act other than section 235(b)(1) or 240, or of your having been ordered excluded under section 236 of the Act in proceedings commenced prior to April 1, 1997.
- ☐ for a period of 20 years from the date of your departure from the United States as a consequence of your having been found inadmissible and of your having been previously excluded, deported, or removed from the United States.
- ☐ at any time because in addition to having been found inadmissible, you have been convicted of a crime designated as an aggravated felony.

After your deportation or removal has been effected, if you desire to reenter the United States within the period during which you are barred, you must request and obtain permission from the Attorney General to reapply for admission into the United States. You must obtain such permission prior to commencing your travel to the United States. Application forms for requesting such permission may be obtained by contacting any United States Consulate or office of the United States Immigration and Naturalization Service.

WARNING: Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Attorney General's express consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to \$250,000.

(Signature of officer serving warning)

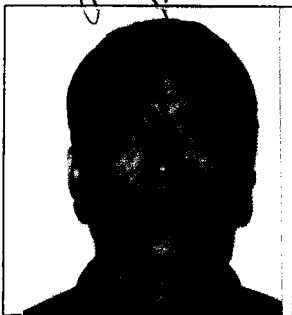
(Title of officer)

Hagatna, Guam
(Location of INS office)

Verification of Removal

(Complete this section for file copy only)

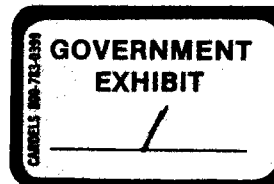
| | | |
|---|------------------------------|--|
| Departure date <u>7/25/02</u> | Port of departure <u>AGA</u> | Manner of departure <u>ASIANA 02 263 At 2:50 AM.</u> |
| Signature of verifying officer <u>[Signature]</u> | | Title of officer <u>D.E.O.</u> |



Photograph of alien removed



Right index fingerprint of alien removed



X YAO XIAN LONG
(Signature of alien whose fingerprint and photograph appear above)

[Signature]
(Signature of official taking fingerprint)

LEAVE BLANK

CRIMINAL

DATE OF BIRTH

DATE RECEIVED

DEPARTMENT

EXHIBIT CLASS

MANUFACTURE

DATE

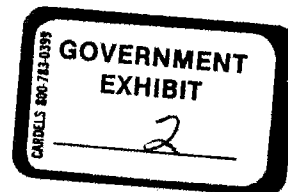
YAO, Xian Long

SIGNATURE OF PERSON FINGERPRINTED

YAO XIAN LONG

ALIAS/MAIDEN
LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

586 33 4198



| FBI NO | IDENTIFICATION NO | DATE OF BIRTH | SEX | RACE | HEIGHT | WEIGHT | HAIR | SCARS | MARKS |
|--------|-------------------|---------------|-----|------|--------|--------|-------|-------|-------|
| | | 6/24/66 | M | A | 5'6" | 122 | Brown | BLK | |



R THUMB



R INDEX



R MIDDLE



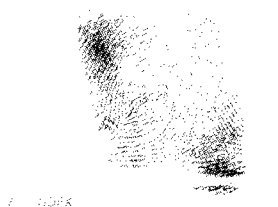
R RING



R PITTLE



L THUMB



L INDEX



L MIDDLE



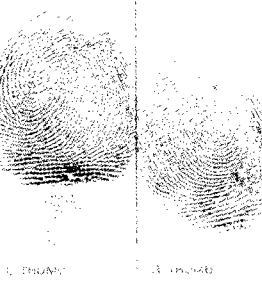
L RING



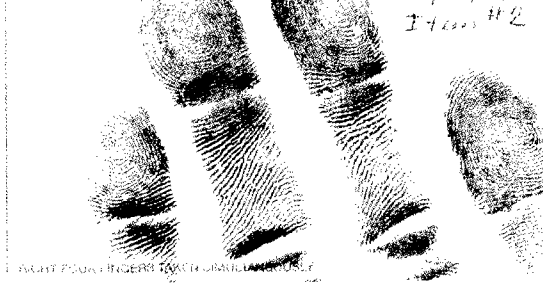
L PITTLE



LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY



L THUMB



RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

SP#921
6/14/07
I4000 H2

**FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306**

ACT OF 1974 (P.L. 93-579), REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

| | | | | | | | |
|---|--|--|--|---|--|---|---|
| ENILE FINGERPRINT YES <input type="checkbox"/> | | DATE OF ARREST MM DD YY <div style="font-size: 1.5em; font-weight: bold;">4/23/07</div> | | GRI CONTRIBUTOR GMINAGOO ADDRESS USINS AGANA GUAM, GM | | | |
| MISSION YES <input type="checkbox"/> | | DATE OF OFFENSE MM DD YY <div style="font-size: 1.5em; font-weight: bold;">4/23/07</div> | | REPLY DESIRED? <input type="checkbox"/> | | COUNTRY OF CITIZENSHIP | |
| ALIAS ACT YES <input checked="" type="checkbox"/> | | PLACE OF BIRTH (STATE OR COUNTRY) | | COUNTRY OF CITIZENSHIP | | | |
| ID COPY (TER ORS) | | SCARS, MARKS, TATTOOS, AND AMPUTATIONS | | | | | |
| MISCELLANEOUS NUMBERS | | RESIDENCE/COMPLETE ADDRESS | | | | CITY | STATE |
| OFFICIAL TAKING FINGERPRINTS NAME OR NUMBER: | | LOCAL IDENTIFICATION/REFERENCE | | | | PHOTO AVAILABLE? YES <input type="checkbox"/> | PALM PRINTS TAKEN? YES <input type="checkbox"/> |
| EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO. | | OCCUPATION | | | | | |
| CHARGE/CITATION | | DISPOSITION 1. | | | | | |
| | | 2. | | | | | |
| | | 3. | | | | | |
| ADDITIONAL | | ADDITIONAL | | | | | |
| ADDITIONAL INFORMATION/CAUTION | | STATE BUREAU STAMP | | | | | |

GUAM POLICE DEPARTMENT LABORATORY REPORT

Page 1 of 1

CLASSIFICATION
Re-Entry after Deportation

SEAL TYPE ☐ Intact ☐ Broken ☒ None

EVENT NUMBER
A75-252-190

LAB NUMBER

LATENT PRINT NUMBER

DATE / TIME RECEIVED 06/14/07
1110 hours

SUSPECT NAME(S)
Xian Long Yao

VICTIM NAME(S)

SUBMITTING OFFICER / AGENT & I.D. NUMBER
S/A MICHAEL HERNANDEZ

SUBMITTING AGENCY ☐ GPD ☒ other
U.S. Immigration & Custom Enforcement

CONFISCATING OFFICER / AGENT & I.D. NUMBER

CONFISCATING AGENCY ☐ GPD ☐ other

☐ DRUG ☐ BLOOD ☐ FIREARMS ☐ LATENT PRINTS
☐ TOXICOLOGY ☐ SEMEN ☐ TOOL MARK ☐ FIRE
☒ **OTHER (specify):** Fingerprint Comparison

ITEM NO.

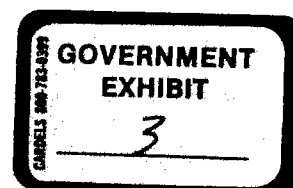
DESCRIPTION

- | | |
|---|---|
| 1 | One (1) Notice to Alien Ordered Removed/Departure Verification Form I-296 dated 22 July 2002 with a right index fingerprint impression of alien removed, bearing the name Xian Long Yao with a departure date of 7/25/02. |
| 2 | One (1) criminal fingerprint card with fingerprint impressions bearing the name Xian Long Yao, Date of Birth: 8/24/66, Social Security Number: 586-33-4198, dated 4/23/07. Contributor: GMINSAG00 USINS Agana, Guam, GM |

TEST RESULTS / COMMENTS:

The right index fingerprint impression on Item #1 and the right index fingerprint impression on Item #2 were examined and compared. The fingerprint impressions were identified to be the fingerprint impressions of the same individual.

Xian Long Yao
male, Date of Birth: 8/24/66
SSN: 586-33-4198



EXAMINED BY *Julie B. Paulino*
Julie B. Paulino, #921, Fingerprint Examiner I

DATE
6/14/07

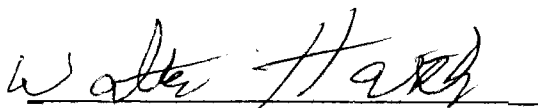
APPROVED BY *Gilbert J. Mondie*
Gilbert J. Mondie #491, Fingerprint Examiner

June 14, 2007

I, Walter Haith, certify to the following:

1. That I am the Field Office Director, Citizenship and Immigration Services, United States Department of Homeland Security, and by virtue of the authority contained in Section 475(b)(1) of the Homeland Security Act of 2002, Section 290(d) of the Immigration and Nationality Act and 8 CFR 103.7(d)(4), I am authorized to certify the nonexistence of an official Service record.
2. That Citizenship and Immigration Services maintains centralized records relating to immigrant aliens who entered the United States on or after June 30, 1924, to nonimmigrant aliens who entered on or after June 30, 1948, and a centralized index of all persons naturalized on or after September 27, 1906.
3. That I, or an agency employee acting at my direction, performed a search for records relating to the subject identified below. Specifically this office searched Deportable Alien Control System (DACS), Computer Linked Application Information Management System (CLAIMS), Central Index System (CIS), and National File Tracking Systems (NFTS).
4. That after a diligent search was performed in these database systems, no record was found to exist indicating that the subject listed below obtained consent at anytime prior to March 1, 2003, from the Attorney General of the United States, or at anytime after February 28, 2003 from the Secretary of the Department of Homeland Security, for re-admission in the United States in accordance with the 6 U.S.C. §§ 202(3) and (4) and U.S.C. § 557.

File No: A075 252 190
Subject: Xian Long YAO
Also known As (AKA): None
Born on: August 24, 1966
Country of Birth: China


WALTER HAITH
Field Office Director
Agana Field Office

